

**IN THE UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF WEST VIRGINIA**

THE CITY OF HUNTINGTON,

Plaintiff,

v.

AMERISOURCEBERGEN DRUG  
CORPORATION, et al.,

Defendants.

Civil Action No. 3:17-01362

Hon. David A. Faber

CABELL COUNTY COMMISSION,

Plaintiff,

v.

AMERISOURCEBERGEN DRUG  
CORPORATION, et al.,

Defendants.

Civil Action No. 3:17-01665

Hon David A. Faber

**MOTION FOR SUMMARY JUDGMENT:  
RES JUDICATA AND RELEASE OF CLAIMS**

Pursuant to Rule 56 of the Federal Rules of Civil Procedure, and for the reasons set forth in the accompanying memorandum, Cardinal Health, Inc. moves for summary judgment on the grounds that Plaintiffs' remaining public nuisance claim is barred by the *res judicata* doctrine and has been released by the State of West Virginia.

Respectfully submitted,

**CARDINAL HEALTH, INC.**

/s/ David R. Pogue

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**CERTIFICATE OF SERVICE**

I, David R. Pogue, counsel for Defendant Cardinal Health, do hereby certify that service of the foregoing **MOTION FOR SUMMARY JUDGMENT: RES JUDICATA AND RELEASE OF CLAIMS** was filed electronically via the CM/ECF electronic filing system and served on all counsel registered in the system.

Dated: March 13, 2020

/s/ David R. Pogue  
David R. Pogue